

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicants have amended claims 50 and 57 and cancelled claims 54 and 61; no new matter has been added. Accordingly, claims 50-53, 55-60, 62 and 63 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. §102(b)

The Examiner rejected claims 50-63 as being anticipated by Kamm, *et al.* (U.S. Patent No. 5,457,680). The Applicant has amended independent claims 50 and 57 to include the subject matter of claims 54 and 61, respectively. Accordingly, the Applicant will address the rejections of claims 50 and 57 in view of the Examiner's stated reasons for rejection of claims 54 and 61, respectively.

First, it is to be remembered that anticipation requires that the disclosure of a single piece of prior art reveals **every** element, or limitation, of a claimed invention. Furthermore, the limitations that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Whereas Kamm fails to anticipate each and every limitation of claim 50, it is not anticipated thereby.

Claim 50 recites:

50. A method of channel resource allocation in a wireless communications system, said method comprising the steps of:

sniffing one or more data transmissions to or from a data provider for information within one or more application-level data packets, the information being related to application-level data object size; and

allocating radio resources as a function of said data object size, wherein said step of allocating radio resources comprises the step of predicting a future data rate from the information related to data object size. (emphasis added)

The Applicants' invention is directed to allocation of channel resources in a wireless communications system. To efficiently allocate channel resources, the invention sniffs data transmissions for information related to application-level data object size. Based on such data object size, a future data rate is predicted and appropriate radio resources are allocated. Kamm fails to teach that combination of elements.

In rejecting claim 54, the limitations of which are now incorporated in claim 50, the Examiner points to column 14, lines 55-61, asserting that Kamm discloses "channel assignment predictions." Predicting a channel assignment, however, is not the same as allocating radio resources based on a predicted future data rate, wherein the prediction is based on a detected application-level data object size. Therefore, Kamm fails to anticipate claim 50.

Whereas independent claim 57 includes analogous limitations, Kamm also fails to anticipate that claim. Moreover, whereas claims 51-53 55 and 56 are dependent from claim 50, and claims 58-60, 62 and 63 are dependent from claim 57, and include the limitations of their respective base claims, those claims are also not anticipated by Kamm.

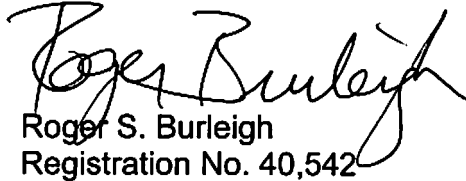
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CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 50-53, 55-60, 62 and 63.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


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